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October 23, 2019

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By e-mail, U.S. mail, and facsimile

RE: Regional Sports Fee and Other Charges

Dear Counsel:

The Colorado Office of the Attorney General (“OAG”) has received complaints regarding fees that DirecTV imposes on its subscribers in addition to the monthly base price for a cable television service and internet package. Of particular concern, the OAG understands DirecTV (1) previously sold packages that included Altitude Sports and charged a Regional Sports Fee of \$8.49 and (2) no longer carries Altitude Sports yet continues to charge a Regional Sports Fee.

DirecTV’s conduct surrounding the charge of a Regional Sports Fee may constitute a deceptive trade practice under the Colorado Consumer Protection Act (“CCPA”). C.R.S. § 6-1-105(1) et seq. Violations of the CCPA may result in the imposition of civil penalties up to \$20,000 per violation. C.R.S. § 6-1-112(1)(a). “[A] violation of any provision shall constitute a separate violation with respect to *each consumer or transaction* involved.” *Id.* (emphasis added).

In addition to investigating the assessment of a Regional Sports Fee, the OAG has opened an investigation of other fees and charges that providers impose on subscribers of television and internet services that have the potential to confuse and mislead consumers. The imposition of such fees and charges may violate C.R.S. § 6-1-105(1)(e), (l), (u), and (kkk), among others.

As the OAG investigates these complaints, please provide answers to the following questions on or before **Thursday, November 7, 2019**:

- (1) Has DirecTV charged and required subscribers of its Choice, Xtra, Ultimate, Premier, or other packages to pay a Regional Sports Fee;
- (2) What time period did DirecTV offer Altitude Sports as part of a package(s), and did DirecTV charge a Regional Sports Fee for the entire period in which it offered Altitude Sports;
- (3) What other channels, if any, were included as part of a Regional Sports Fee during the period in which DirecTV offered Altitude Sports;
- (4) Does DirecTV still charge a Regional Sports Fee to those package subscribers despite not offering Altitude Sports;
- (5) Does DirecTV currently include other channels, in addition to Altitude Sports, as part of its Regional Sports Fee;
- (6) Has DirecTV adjusted or does DirecTV plan to adjust the Regional Sports Fee to account for the discontinuation of Altitude Sports; and
- (7) If the Regional Sports Fee has been or will be adjusted, the dates for which the adjustment is effective and how DirecTV determined the amount of the adjustment.

If you have any questions or want to discuss further, please feel free to contact me.

Sincerely,



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